

Attorney Docket No. P14120-US2

REMARKS/ARGUMENTS**1.) Claim Amendments**

The Applicant has amended claims 1, 5-8 and claims 2-4 have been canceled. Accordingly, claims 1 and 5-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 has only been amended to incorporate the original elements of claims 2 through 4. Consequently, this amendment does not raise new issues that would require a further search or substantial consideration by the Examiner.

2.) Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claim 7 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant has amended the claim to more particularly point out and claim the invention. The Examiner's consideration of the amended claim is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(a)

The Examiner rejected claims 1-4 and 8 under 35 U.S.C. § 102(a) as being anticipated by Seagull (PTO-892, Ref U). Amended claim 1 now incorporates the limitations of claims 2 through 4. The Applicant, however, respectfully traverses this rejection.

As modified, claim 1 recites:

A system for enabling performance of electronic commerce transactions, comprising:

a central controller for integrating a plurality of legacy systems together to enable an exchange of data relating to an electronic commerce transaction, wherein the central controller further comprises

an application server for implementing logic for performing the electronic commerce transaction between the controller and the plurality of legacy systems; and

a database for storing data relating to the electronic commerce transaction;

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a plurality of APIs associated with the central controller for enabling communications between the central controller using a first protocol and the plurality of legacy systems using at least one different protocol wherein the plurality of APIs further comprises:

a first layer for supporting the first communication protocol used by the central controller; and

a second layer for supporting a second communications protocol used by a legacy system; and

an API controller for controlling conversions between the first protocol of the central controller and the at least one different protocol of the plurality of legacy systems.

The Applicant respectfully traverses the Examiners' assertion that all of these elements are taught by Seagull. First, Seagull does not mention nor teach the use of a central controller for integrating a plurality of legacy systems together to enable an exchange of data relating to an electronic commerce transaction. In fact, Seagull teaches distributive control. For instance, at paragraph 9, Seagull states:

For flexible integration, use of business processes can be client-controlled (maintaining a persistent connection between the end user and the host application through a multi-step process) or server-controlled (typically short "round-trips" from the server to the host in response to service requests from another application.)

Second, Seagull does not teach that the API's comprise: a first layer for supporting a first communication protocol the first communication protocol used by the central controller; and a second layer for supporting a second communications protocol used by a legacy system. The Examiner states that "paragraph 8" discloses these items. However, the Applicant could find nothing in paragraph 8 which could be interpreted to read upon these elements.

Because Seagull does not teach all of the claim elements, the withdrawal of the 102 rejection is respectfully requested. As the examiner is aware, to sustain a 102 rejection, ALL elements of the claim must be taught by the cited art. As the Federal Circuit held:

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed

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matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987) (Emphasis Added)

Thus, a 102 rejection is not appropriate in this situation because all the elements of claim 1 are simply not taught by Seagull.

Assuming, for the sake of argument that all the elements are somehow implied, Seagull would still not be a proper reference because Seagull does not provide enough detail about the missing elements to enable one skilled in the art to practice the claimed invention. Seagull cannot be used as a 102 reference unless it expressly anticipates all of the elements of claim 1 (see MPEP 2121). Thus, a 102 rejection is improper.

Claim 8 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claim 8 is also respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Seagull in view of Middleware (PTO-892, Ref. V). The Applicant respectfully traverses this rejection.

As discussed above, amended claim 1 contains elements which are not found in Seagull. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Middleware does not provide the missing claim limitations. Thus, neither Seagull nor Middleware teaches all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

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5.) Claim Rejections – Claims 9-13 and 17-20

The Examiner has rejected claims 9-13 and 17-20 "under the same rationale as set forth above in claims 1-4 and 8." As explained above, the Applicant traverses the rejection of claims 1 and 8. Furthermore, claims 9 and 17 contain additional elements not found in claims 1 (e.g., identification systems and presentation systems). Thus, a 102 rejection is not proper. If the Examiner insists on maintaining his rejection, the Applicant respectfully requests that the Examiner finds a reference that specifically lists all of the elements of claims 9 and 17.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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